

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

2021 ND 127

City of Lincoln,

Plaintiff and Appellee

v.

Larry Wayne McCorkell,

Defendant and Appellant

No. 20200319

Appeal from the District Court of Burleigh County, South Central Judicial District, the Honorable David E. Reich, Judge.

AFFIRMED.

Per Curiam.

Briana L. Rummel (argued), Assistant City Attorney, and Nicholas M. Surma (on brief), City Attorney for the City of Lincoln, Bismarck, ND, for plaintiff and appellee.

James W. Martens, Bismarck, ND, for defendant and appellant.

Tatum O'Brien (on brief), Fargo, ND, for amicus curiae North Dakota Association of Criminal Defense Lawyers.

City of Lincoln v. McCorkell
No. 20200319

Per Curiam.

[¶1] Larry McCorkell appeals from a criminal judgment after he entered a conditional guilty plea for driving under suspension. McCorkell argues the district court erred by denying his motion to suppress for a violation of his rights under the Fourth Amendment to the United States Constitution. McCorkell claims the arresting officer did not have reasonable suspicion to conduct a traffic stop because N.D.C.C. § 39-10-38 does not require a driver to use a turn signal when exiting a roundabout, and the evidence of McCorkell's driving under suspension is fruit of the poisonous tree.

[¶2] We addressed McCorkell's arguments in *City of Lincoln v. Schuler*, 2021 ND 123, ¶¶ 10-11. We conclude the officer had reasonable suspicion to make the stop, and the district court did not err in denying McCorkell's motion to suppress. The criminal judgment is summarily affirmed under N.D.R.App.P. 35.1(a)(7).

[¶3] Jon J. Jensen, C.J.
Daniel J. Crothers
Lisa Fair McEvers
Jerod E. Tufte
Cherie L. Clark, D.J.

[¶4] The Honorable Cherie L. Clark, D.J., sitting in place of VandeWalle, J., disqualified.